

AUTHORITY

The Michigan Child Protection Law (CPL), 1975 PA 238, is an act that requires the reporting of child abuse or neglect by certain persons, and permits the reporting of abuse or neglect by all persons. It includes the legal requirements for reporting, investigating and responding to child abuse or neglect cases.

This act sets forth civil and criminal penalties for a mandated reporter's failure to make a report of reasonably suspected child abuse or neglect. Additionally, it provides civil and criminal immunity for a party making a report in good faith.

PURPOSE

The intent of this item is to inform Michigan Department of Health and Human Services (MDHHS) employees of their responsibilities as mandated reporters of suspected child abuse or neglect, to provide instruction on how to report such instances, and consequences for failure to report.

DEFINITIONS RELATED TO CHILD ABUSE AND NEGLECT

Child - A person under 18 years of age.

Child abuse - Harm or threatened harm to a child's health or welfare that occurs through non-accidental physical or mental injury, sexual abuse, sexual exploitation, or maltreatment, by a parent, legal guardian, or any other person responsible for the child's health or welfare or by a teacher, a teacher's aide, or a member of the clergy.

Child neglect - Harm or threatened harm to a child's health or welfare by a parent, legal guardian, or any other person responsible for the child's health or welfare that occurs through either of the following:

- Negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care.
- Placing a child at an unreasonable risk to the child's health or welfare by failure of the parent, legal guardian, or other person responsible for the child's health or welfare to intervene to elim-

inate that risk when that person is able to do so and has, or should have, knowledge of the risk.

Sexual abuse - Engaging in sexual contact or sexual penetration as defined in section 520a of the Michigan penal code, 1931 PA 328, MCL 750.520a, with a child.

Sexual exploitation - Allowing, permitting, or encouraging a child to engage in prostitution, or allowing, permitting, encouraging, or engaging in the photographing, filming, or depicting of a child engaged in a listed sexual act as defined in section 145c of the Michigan penal code, 1931 PA 328, MCL 750.145c.

MANDATED REPORTERS

The Child Protection Law requires that a department employee who is one of the following and has reasonable cause to suspect child abuse or neglect must make a report of suspected child abuse or neglect to the department:

- Eligibility specialist.
- Family independence manager.
- Family independence specialist.
- Social services specialist.
- Social work specialist.
- Social work specialist manager.
- Welfare services specialist.

Other professionals who are required to report: audiologists, dentists, law enforcement officers, licensed bachelor's social workers, licensed master's social workers, licensed professional counselors, marriage and family therapists, medical examiners, members of the clergy, nurses, persons licensed to provide emergency medical care, physicians, physician's assistants, psychologists, registered dental hygienists, registered social service technicians, regulated child care providers, school administrators, school counselors or teachers, social service technicians, or social workers.

Note: MDHHS employees that fall under either category of mandated reporters are required to make a report of suspected child abuse and/or neglect as outlined below.

Procedures for Making a Report

An individual who has reasonable cause to suspect child abuse or neglect must **immediately** make, by telephone or otherwise, an oral report of the suspected child abuse or neglect to the MDHHS Centralized Intake Unit 855-444-3911.

The Child Protection Law requires that within 72 hours after making the oral report, a written report must be filed with the MDHHS Children's Protective Services (CPS) unit to which the oral report was made. Utilize the form DHS-3200, Report of Actual or Suspected Child Abuse or Neglect, to file the written report. The name of the child and a description of the abuse and/or neglect must be included in the DHS-3200 report. When possible, the report should contain the names and addresses of the child's parent, the child's guardian, the persons with whom the child resides, and the child's age. The report should contain other information available to the reporting person that might establish the cause of the abuse or neglect, and the manner in which the abuse or neglect occurred. Fax the written report to (616) 977-1154 or (616) 977-1158. A copy of the written report can be emailed to MDHHS-CPS-CIGroup@michigan.gov.

The Child Protection Law requires mandated reporters to provide a copy of the written report (DHS-3200) to the person in charge of the department where the reporter is employed. Within MDHHS, that responsibility is delegated to the MDHHS county director of the local county office where a mandated reporter is employed.

If the mandated reporter does not work in a MDHHS local county office, a copy of the written report must be provided to the relevant department deputy director, bureau director or office director. The requirement to provide a copy of any written report to the person in charge of a department does not excuse the employee from the requirement to make a verbal and written report to Children's Protective Services.

When in doubt about when to make a report of suspected abuse and/or neglect of a child, contact the local MDHHS Children's Protective Services Unit for consultation.

Michigan Department of Human Services Children's Protective Services numbers are listed on both the MDHHS-Net and the public MDHHS website and can also be located in the government section of most telephone books.

**Multiple
Allegations**

If a report of suspicion of child abuse or neglect is made and another new allegation occurs, another oral and written report of suspected abuse and/or neglect must be submitted to CPS and written notice must be provided to the head of the department designee in your office.

**Specific Situations
That Require a
Report**

In addition to requiring that mandated reporters report suspected child abuse and neglect, there are two specific situations that the CPL also requires mandated reporters to report to MDHHS:

- The pregnancy of a child less than 12 years of age or the presence of a venereal disease in a child who is over one month of age but less than 12 years of age is reasonable cause to suspect child abuse and neglect has occurred.
- A mandated reporter who knows, or from the child's symptoms has reasonable cause to suspect, that a newborn infant has any amount of alcohol, a controlled substance, or a metabolite of a controlled substance in his or her body. A report is not required if the person knows that the alcohol, controlled substance, or metabolite, or the child's symptoms, are the result of a medical treatment administered to the newborn infant or his or her mother.

Failure to Report

A person who is required by the CPL to report an instance of suspected child abuse or neglect and who fails to do so is civilly liable for the damages proximately caused by the failure.

A person who is required by the CPL to report an instance of suspected child abuse or neglect and who knowingly fails to do so is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500, or both.

Employees who are mandated reporters who fail to report may face disciplinary action.

A person acting in good faith who makes a report shall be immune from civil and criminal liability, which might otherwise be incurred by making the report or by assisting in the making of the report.

Note: Providing written notice alone to the head of the department designee in your office does not fulfill your requirement to report suspected child abuse and/or neglect to CPS. If you suspect child abuse and/or neglect, an oral and written report must be made to CPS even in situations where you may be discouraged from doing so.

Identity of the Reporting Person

The identity of a reporting person is confidential under the CPL. The identity of the reporting person is subject to disclosure only:

- With the consent of that person.
- By judicial process.
- To those listed under Section 5 of the CPL.

Follow-Up Information Provided to a Mandated Reporting Person

MDHHS must inform mandated reporters in writing as to the disposition of the case and must include all of the following:

- Determination made and rationale.
- Whether legal action was taken, including the nature of action.
- Notification that the information being conveyed is confidential.

Information sent to a mandated reporter must not include personally identifying information for a person named in a report or a record made under this act.

MANDATED REPORTING PERSONS HOTLINE

Mandated reporters may call this hotline (1-877-277-2585) to express concern about the actions taken on a specific complaint of child abuse or neglect they have made.